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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,913	08/08/2001	Manfred Bromba	449122008300	9802

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EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,913

Applicant(s)

BROMBA, MANFRED

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-8 have been considered.

Specification

- 5 The specification is objected to because it is not arranged in the proper format. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without
10 underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

- 15 (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more
20 than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

- 25 (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

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(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence

5 Listing" is required on paper if the application discloses a nucleotide or amino
 acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence
 Listing" is not submitted as an electronic document on compact disc).

10 The Specification is objected to because the spacing is not in the correct format. The
 Specification should be spaced lines one and one-half or double spaced apart. Appropriate
 correction is required.

 The Title is objected to. The word "verirying" is misspelled. The word "authorization" is
 also misspelled. Appropriate correction is required.

15

 The Title is objected to. The Title on the application data sheet, "Arrangement for
 determining and evaluating data or signals and method for verifying the identity or authorization of
 a person", does not match the title on the Transmittal Letter to the United States, "Arrangement
 for capturing and evaluating data or signals, and method for checking the identity or authorization
20 of a person". Appropriate correction is required.

 The Description is objected to. A grammatical error exists in the Description. In the last
 sentence of the first paragraph, the phrase "which is characteristic of this person, is unique and is
 unalterable" is grammatically incorrect. The applicant should consider rewriting the phrase "which
25 is characteristic of this person, unique and unalterable". Appropriate correction is required.

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A substitute specification is required pursuant to 37 CFR 1.125(a) because the number of corrections needed is large. If the applicant decides to amend any portion of the claims, the substitute specification need not include a clean copy of the claims.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Drawings

The drawings are objected to under 37 CFR 1.84(o). The drawings lack suitable descriptive legends. Descriptive words should be put in the drawings to modify appropriate features. For example, the examiner advises that the key be labeled as "KEY" instead of "K". Appropriate correction is required.

Claim Objections

Claims 1-8 are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b). Appropriate correction is required.

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Claims 1-8 are objected to because the claims contain references to devices in the Drawing. The examiner advises the information in the claims in parenthesis be removed. The examiner will ignore the references in parenthesis. Appropriate correction is required.

- 5 Claims 4 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should not depend on a multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 4 and 8 have not been treated on the merits.

Claim Rejections - 35 USC § 102

- 10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
15 (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Scott, U.S. Patent No. 6,484,260.

- 25 As per claims 1 and 5, the applicant discloses the following arrangement which is anticipated by Scott:

- a) a device for capturing data or signals (Col 1, lines 47-51);
b) a device for checking the captured data or signals within the arrangement (Col 1, lines 51-58);

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c) a device for encrypting input data within the arrangement (Col 2, lines 22-39).

As per claims 2 and 6, the applicant discloses the arrangement of claims 1 and 5 respectively, which are anticipated by Scott, with the following limitation which is also anticipated by Scott:

The captured data or signals are checked by comparing these data or signals or feature data derived therefrom with reference data stored in a memory arrangement within the arrangement (Col 1, lines 51-58).

As per claims 3 and 7, the applicant discloses the arrangement of claim 1, which is anticipated by Scott (see above), with the following limitation which is also anticipated by Scott:

The input data are encrypted using a key which is stored in a memory device within the arrangement (Col 2, lines 22-39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Caldwell
Andrew Caldwell